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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8655

Daniel A. FERRARA

Appln. No.: 10/673,468

Group Art Unit: 3751

Confirmation No.: 1996

Examiner: Peter T. Devore

Filed: September 30, 2003

For: CUSHIONING ELEMENT

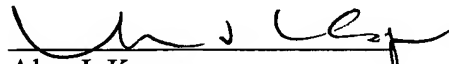
**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. Please charge Deposit Account No. 19-4880 the statutory fee of \$65.00. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

  
Alan J. Kasper

Registration No. 25,426

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 30, 2005

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Sir:

The undersigned, on behalf of the petitioner, FERRARA Daniel A., represents that the petitioner, FERRARA Daniel A. is the owner of the entire right, title and interest of U.S. Patent No. 6,648,535 for CUSHIONING ELEMENT by virtue of being the sole inventor thereof, as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/673,468 by virtue of being the sole inventor thereof.

Petitioner hereby certifies that neither U.S. Patent No. 6,648,535 nor U.S. Application No. 10/673,468 is assigned to a third party.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/673,468 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,648,535, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/673,468 shall be enforceable only for and during such period that the legal title to U.S. Patent

Terminal Disclaimer

U.S. Patent Application Ser. No.: 10/673,468

6,648,535 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/673,468, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/673,468 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/673,468 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,648,535 in the event that U.S. Patent 6,648,535 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

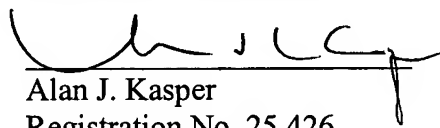
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